

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

IN RE:)	
)	CASE NO. 16-20779-JRS
MARY SAMPLES,)	
)	CHAPTER 13
Debtor.)	
<hr style="border-top: 1px dashed black;"/>		
MARY SAMPLES,)	
)	
Movant,)	
)	
v.)	CONTESTED MATTER
)	
BRANCH BANKING & TRUST)	
COMPANY,)	
)	
Respondent.)	

**OBJECTION TO PROOF OF CLAIM
OF BRANCH BANKING & TRUST COMPANY (#2)**

COMES NOW THE DEBTOR in the above-styled Chapter 13 case, by and through counsel, and files this “Objection to Proof of Claim of BRANCH BANKING & TRUST COMPANY (#2)” (“Objection”), showing to this Court the following:

1.

This Court has jurisdiction in this matter pursuant to 28 U.S.C. Section 1334, 28 U.S.C. Section 151, and 28 U.S.C. Section 157.

2.

This Court is the proper venue for this matter pursuant to 28 USC Section 1409.

3.

This matter is a core proceeding within the contemplation of 28 U.S.C. Section 157.

4.

Debtor filed a voluntary petition for relief under Chapter 13 of Title 11 of the United States Code April 20, 2016 and is eligible for relief under 11 U.S.C. §109.

5.

On or about April 26, 2016, the Respondent filed a secured Proof of Claim (claim number 2 on the claims register) in the case for debt owed in the amount of \$11,758.67. This claim purports to represent a deficiency following repossession of a motor vehicle ('the collateral').

6.

The Debtor alleges that creditor failed to attach documentation sufficient to establish that it complied with OCGA 10-1-36(a) during recovery and disposition of said collateral.

7.

The Debtor requests that the Trustee withhold all disbursements to Respondent based on its Proof of Claim, until after proper notice, and if necessary, a hearing has been conducted, and an Order from the Court is issued disallowing the claim in its entirety.

WHEREFORE, Debtor prays:

- (a) That this Objection be filed, read, and considered;
- (b) That this Honorable Court sustain this Objection; and,
- (c) That this Honorable Court grant such further relief as it may deem just and proper.

Respectfully submitted,

/s/

Susan Shiptenko
GA Bar No. 374402
Attorney for Debtor

BERRY AND ASSOCIATES
2751 Buford Hwy, Suite 600
Atlanta, GA 30324
(404) 235-3300
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**NOTICE OF REQUIREMENT OF RESPONSE TO OBJECTION TO CLAIM
AND OF DEADLINE FOR FILING RESPONSE AND NOTICE OF HEARING**

PLEASE TAKE NOTICE that Debtor has filed an Objection to Proof of Claim of the above-referenced Respondent seeking an order disallowing the claim.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief requested, or if you want the court to consider your views, then on or before **October 18, 2016**, you or your attorney must:

- (1) File with the court a written response, explaining your positions and views as to why your claim should be allowed as filed. The written response must be filed at the following address:

Clerk, United States Bankruptcy Court
Room 120 United States Courthouse
121 Spring Street SE
Gainesville, Georgia 30501

If you mail your response to the Clerk for filing, you must mail it early enough so that the Clerk will **actually receive** it on or before the date stated above

- (2) Mail or deliver a copy of your written response to the Objector's attorney at the address stated below. You must attach a Certificate of Service to your written response stating when, how, and on whom (including addresses) you served the response.

If you or your attorney do not file a timely response, the court may decide that you do not oppose the relief sought, in which event the hearing scheduled below may be cancelled and the court may enter an order disallowing your claim as requested without further notice and without a hearing.

If you or your attorney file a timely response, then a hearing will be held on **October 20, 2016, at 10:45 a.m. in Courtroom 103, U.S. Courthouse, 121 Spring Street SE, Gainesville, Georgia.** You or your attorney must attend the hearing and advocate your position.

Dated: September 13, 2016

_____/s/
Susan Shiptenko
GA Bar No. 374402
Attorney for the Debtor
BERRY & ASSOCIATES
2751 Buford Highway, Suite 600
Atlanta, GA 30324
(404) 235-3300

CERTIFICATE OF SERVICE

This is to certify under penalty of perjury that I am over the age of 18 and that on this day I served the following parties with a copy of the attached pleadings by placing true copies of same in the United States Mail with adequate postage affixed to insure delivery, addressed to:

Nancy J. Whaley
Chapter 13 Trustee
303 Peachtree Center Ave
Suite 120
Atlanta, Georgia 30303

Mary Samples
8660 Vanns Tavern Road
Gainesville, Georgia 30506

Branch Banking & Trust Company
Erica W. Wormwood
P.O. Box 1847, 100-50-01-51
Wilson, NC 27894
(via certified mail)

Branch Banking & Trust Company
P.O. Box 1847, 100-50-01-51
Wilson, NC 27894

This the 15th day of September, 2016.

/s/
Susan Shiptenko
GA Bar No. 374402
Attorney for the Debtor

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Atlanta, GA 30324
(404) 235-3300